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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/827,925	04/09/2001	Hiroshi Kajiwara	35.C12124 REI	5185

5514 7590 01/24/2003

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NEW YORK, NY 10112

EXAMINER

CHEN, WENPENG

ART UNIT	PAPER NUMBER
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2624

DATE MAILED: 01/24/2003

#9

Please find below and/or attached an Office communication concerning this application or proceeding.

Interview Summary

Application No.

09/827,925

Applicant(s)

Kajiwara

Examiner

Krista Zele

Art Unit

2600



All participants (applicant, applicant's representative, PTO personnel):

(1) Krista Zele, TC 2600 SPRE

(3) _____

(2) Mr. Ray DiPerna

(4) _____

Date of Interview Jan 24, 2003Type: a) ☒ Telephonic b) ☐ Video Conferencec) ☐ Personal (copy is given to 1) ☐ applicant 2) ☐ applicant's representative]Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No. If yes, brief description:Claim(s) discussed: Claims 1-13

Identification of prior art discussed:

The patented file history shows that orig claims 1-17 were rejected under 35 USC 102(e), (see paper # 5, mailed 12-21-98). In response, app canceled claims 1-17 and provided new narrowed claims 18-30 to overcome the art

Agreement with respect to the claims f) ☐ was reached. g) ☒ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments:

Mr. DiPerna was informed that a review of the patented file finds that the recapture rejection made by the examiner in paper # 5 is proper and still stands. Applicants remarks that the amendments to the encoding means of claims 1, 7, and 8 cannot constitute recapture because they read on subject matter that was never amended, canceled or argued in the original application (see paper # 6, page 6) are not understood in view of the prosecution history cited above. Inasmuch as review of the patented file does find that these claim limitations were added to overcome the prior art of Weinberger et al., the Quayle action is deemed improper and is hereby vacated. This application is being returned to the examiner for new and appropriate action. Mr. DiPerna was also informed that a new Written Consent of Assignee and 3.73(b) statement will be required inasmuch as those filed on 12/23/02 are not signed by someone with authority to sign on behalf of the assignee. Further questions should be directed to the examiner.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

i) ☒ It is not necessary for applicant to provide a separate record of the substance of the interview (if box is checked).

Unless the paragraph above has been checked, THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN ONE MONTH FROM THIS INTERVIEW DATE TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached

KRISTA ZELE
SPECIAL PROGRAM EXAMINER
TECHNOLOGY CENTER 2600

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required